

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

K.C. HOPPS, LTD.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 20-cv-00437-SRB
)	
THE CINCINNATI INSURANCE COMPANY,)	
INC.,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiff K.C. Hopps. Ltd.’s (“Plaintiff”) Motion for a New Trial (Doc. #257) and Post-Trial Motion for Directed Verdict (Doc. #258). For the reasons stated below, the motions are DENIED.

“A new trial is appropriate when the first trial, through a verdict against the weight of the evidence . . . or legal errors at trial, resulted in a miscarriage of justice.” *Gray v. Bicknell*, 86 F.3d 1472, 1480 (8th Cir. 1996). “Absent error affecting the substantial rights of the parties . . . a new trial is [not] required.” *Hoffmeyer v. Porter*, 758 F.3d 1065, 1068 (8th Cir. 2014). “A district court has broad discretion when deciding whether to grant a new trial.” *Id.* at 1067-68.

Plaintiff argues a new trial is warranted because of various instructional errors, the verdict was against the weight of the evidence, the Court erred in excluding certain evidence, and the foreperson should not have been seated. (Doc. #257, pp. 18-55.) For the reasons stated in Defendant’s opposition brief, and previously by the Court at trial, Plaintiff’s arguments are rejected. The Court finds a new trial is not warranted, and the motion is thus denied.

A motion for directed verdict should be granted if “the court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for the” prevailing party. Fed. R. Civ. P. 50(a)(1). Plaintiff argues it is entitled to a directed verdict regarding Defendant’s exclusions and mitigation of damages affirmative defenses. For the reasons stated by Defendant, and previously by the Court at trial, the motion is denied.

Accordingly, Plaintiff’s Motion for a New Trial (Doc. #257) and Post-Trial Motion for Directed Verdict (Doc. #258) are DENIED.

IT IS SO ORDERED.

/s/ Stephen R. Bough
STEPHEN R. BOUGH
UNITED STATES DISTRICT JUDGE

Dated: January 18, 2022